

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOHN W. GILDAY, as Executive Director of the
ELECTRICAL INDUSTRY BOARD OF NASSAU
AND SUFFOLK COUNTIES, NEW YORK, KEVIN
Business Manager of LOCAL UNION NO. 25
INTERNATIONAL BROTHERHOOD OF
ELECTRICAL WORKERS and JOHN DOE and
JANE DOE, beneficiaries of the TRUST FUNDS
Administered by the ELECTRICAL BOARD OF
NASSAU AND SUFFOLK COUNTIES, NEW
YORK,

Plaintiffs,

-against-

SDS TELECOM INC. and SEAN STEVENS,

Defendants.

-----X

ORDER ADOPTING R & R
Civil Action No. 15-6962

HURLEY, Senior District Judge:

Presently before the Court is the Report and Recommendation, dated August 30, 2018 28, 2017 (“R&R”), of Magistrate Judge Gary R. Brown recommending that the renewed motion of plaintiffs for an award of damages against defendant SDS Telecom Inc. be denied without prejudice to renew. More than fourteen days have elapsed since service of the R&R. Plaintiff has filed a document denoted as objections to the report but which in actually is a submission of “additional clarifying information . . . to address concerns raised by [Judge Brown].” DE 26. In other words, Plaintiff does not dispute that the deficiencies noted by Judge Brown exist but rather seek to remedy them.

Having reviewed the R&R de novo, the Court adopts it in its entirety. As to whether the

additional materials submitted by Plaintiff warrant an award of damages, that matter is referred to Magistrate Judge Brown for Report and Recommendation.

IT IS HEREBY ORDERED that plaintiff's renewed motion for damages is denied without prejudice; and

IT IS FURTHER ORDERED that this matter is referred to Magistrate Judge Brown for a Report and Recommendation as to whether the additional materials submitted by Plaintiff warrant an award of damages.

Dated: Central Islip, N.Y.
September 18, 2018

/s/ Denis R. Hurley
Denis R. Hurley
United States District Judge